

CITY OF ROCKVILLE PLANNING COMMISSION

ROCKVILLE, MARYLAND

MEETING NO. 16-2020

AGENDA ITEM NO. 1A  
PUBLIC HEARING ON VOLUME II: PLANNING AREAS, OF  
THE PLANNING COMMISSION'S DRAFT ROCKVILLE 2040  
COMPREHENSIVE PLAN UPDATE

Wednesday, September 9, 2020

1 PARTICIPANTS:

2 Planning Commission:

3 CHARLES LITTLEFIELD, Chair

4 ANNE GOODMAN, Commissioner

5 SARAH MILLER, Commissioner

6 DON HADLEY, Commissioner

7 SUSAN PITMAN, Commissioner

8 JOHN TYNER, II, Commissioner

9 REV. JANE E. WOOD, Commissioner

10 Staff:

11 CLARK LARSON, Principal Planner

12 DAVID LEVY, Assistant Director of Planning

13 JIM WASILAK, Staff Liaison

14 ANDREA GILLES, Principal Planner

15 NICHOLAS DUMAIS, Assistant City  
16 Attorney

Speakers:

17 JAIME ESPINOSA

18 STEVEN VANGRACK

19 RANDY ALTON

20 KAP KAPASTIN

21 CHRISTOPHER M. RUHLEN

22

1 PARTICIPANTS (CONT'D):

2 JOE MCCLANE

3 GEORGE LIECHTI

4 MEERA MURGAI

5

6

7 \* \* \* \* \*

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

## 1 P R O C E E D I N G S

2 CHAIR LITTLEFIELD: Good evening and  
3 welcome everybody to the city of Rockville  
4 Planning Commission meeting. This is the 16th,  
5 our 16th meeting of the year 2020. And as many  
6 know by now, Rockville City Hall is still closed  
7 due to the coronavirus pandemic and we are thus  
8 conducting all of our meetings virtually via  
9 WebEx. And apologies for starting a little bit  
10 late, it was due to some technical difficulties  
11 with WebEx and getting us all on.

12 I believe we have most commissioners  
13 present this evening; I believe one commissioner  
14 is absent. And there are two items on our agenda.

15 The first item and the main item really.  
16 Is a virtual Public Hearing on Volume II: Planning  
17 Areas, of the Planning Commission's Draft  
18 Rockville 2040 Comprehensive Plan Update. And the  
19 purpose of this public hearing is to receive  
20 testimony about that draft version that we are  
21 circulating and making available. There will also  
22 be another similar opportunity at our next

1 meeting. I think we will have staff start us off  
2 before we get into that with our participants.

3 But before we do, I'll just go very  
4 briefly over our ground rules. These ground rules  
5 we put together last month. They're based on our  
6 normal ground rules but we just took a different  
7 look at it. Because it's not normal for us to  
8 have meetings virtually, so we had to think it  
9 through and knowing that the topic is just as  
10 important as always. And unfortunately, we cannot  
11 do it in person. We still wanted still to do our  
12 best and do it right and by that, I mean be as  
13 fair as we can. Receive public testimony but be as  
14 fair as we can in terms of process.

15 So, with that, these rules are also  
16 available on the city's website, it's three or  
17 four pages on describing the whole process. We  
18 allow one speaking opportunity, which would be  
19 virtually at our virtual meetings. If you are a  
20 private individual you will be granted 3 minutes  
21 for that opportunity. And if you are representing  
22 an organization, by that civic association,

1 homeowner's association, or chamber of commerce,  
2 that sort of thing then we will grant you 5  
3 minutes. We are not granting extensions of time.  
4 We have in the past in different circumstances but  
5 it's difficult this way. So, we're going to stick  
6 to those limits I'll be a little bit lenient as  
7 chair this evening in terms of how things wrap up  
8 so that people are able to get across their final  
9 thought during their testimony.

10 I should also add that, one of the  
11 ground rules we initiated was a pre-registration  
12 mainly for technical reasons but just to keep it  
13 organized. And as such, I believe we have seven  
14 or eight participants who have already  
15 pre-registered and, on our list, and will be  
16 taking their turn here virtually to provide their  
17 testimony. And also, in this current context we  
18 are really encouraging written testimony more than  
19 ever. That can be in addition to the virtual  
20 testimony. And it can be multiple submissions of  
21 written testimony at any time as long as our  
22 public record is open, and it is tonight and will

1 be through at least our next meeting.

2 So that's a brief summary for our ground  
3 rules as we are going to proceed this evening on  
4 this topic. Unless other commissioners have any  
5 initial comments, I will turn it over to staff to  
6 give us just an introduction and to get us going  
7 with the public testimony of our Volume II City  
8 Master Plan, comprehensive master plan.

9 Mr. Wasilak I believe you're on. Will  
10 you be giving us the introduction or Mr. Larson  
11 perhaps?

12 MR. WASILAK: Actually Mr. Larson is in  
13 queue.

14 CHAIR LITTLEFIELD: Okay, I see you  
15 there Mr. Larson, can I turn it over to you?

16 MR. LARSON: Thank you, thank you. Mr.  
17 Littlefield and planning commissioners, members of  
18 the public. I am going to try to share my screen  
19 quickly so you can see what I'm seeing.

20 My name is Clark Larson for those who  
21 don't know me. I am one of the planners in charge  
22 of leading the comprehensive plan update, what

1 we've termed Rockville 2040. Through the review  
2 and approval process ultimately. This is the  
3 Planning Commission's turn to go through the draft  
4 document and after the Planning Commission had  
5 completed their review and approved it for  
6 recommendation to the Mayor and Council. The  
7 Mayor and Council will then have their opportunity  
8 to seek public testimony and review it themselves.  
9 And so really the Planning Commission is charged  
10 with initiating the comprehensive plan of update.  
11 And that's where we are at today. I'll also note,  
12 well I'll go into it later, but this is what we  
13 are terming Volume II for the planning areas  
14 previously -- actually I realized I don't have  
15 something on this on a slide -- previously the  
16 Planning Commission reviewed first volume of  
17 elements.

18           These are 10 topical elements that apply  
19 citywide, their policies and actions in areas  
20 including the environment, historic preservation,  
21 housing, land use. And what we're looking at now,  
22 and what the commission has put out for public



1 review and comment this year concerns the planning  
2 areas which are more neighborhood specific areas  
3 with more focused polices and recommendations.

4           So, to review where we've come from and  
5 I guess where we are going also. During December  
6 19 to January 2020, earlier this year, the  
7 Planning Commission reviewed an initial staff  
8 draft. This is really the culmination of all of  
9 staff's work getting public information and input  
10 and putting together the draft document itself.  
11 The Planning Commission reviewed it at this time  
12 to make sure it was ready, and they made some  
13 edits and changes before it was released for  
14 public review. And that happened on February 13th  
15 of 2020. Quite a while ago as you can see, but  
16 we've had some hiccups in the meantime.

17           So, what has been released is the public  
18 hearing draft. This is the draft of the current  
19 Volume that we want to have public comments on and  
20 testimony. We want to hear from the public what  
21 they think. Whether anything needs to be changed  
22 in their minds or any items are supportable by

1     them. And so, September 9th is today, this is the  
2     first date of public hearings to accept oral  
3     testimony, spoken testimony. And we will have  
4     another opportunity for those who weren't able to  
5     make it or who decide between now and right before  
6     the 23rd that they would like to sign up and speak  
7     and to provide a spoken testimony. And a date  
8     proposed by staff, this has not been decided yet,  
9     but we will have this discussion with the Planning  
10    Commission either tonight or on the 23rd, is when  
11    to close the public record for written testimony.

12            You'll remember that it was released for  
13    review and put online and we've been accepting  
14    written testimony since February this year.

15    Although some may have reviewed and forgot what  
16    was in there, and some may be just hearing about  
17    it now. So, we want to provide a little bit of  
18    extra opportunity for those who have just come to  
19    be aware of what's happening to provide more  
20    written testimony even two weeks after the last  
21    public hearing date.

22            A little bit about what's inside the

1 draft itself, this Volume consists of the 17  
2 neighborhood scale planning areas. They are  
3 mostly in the same format as far as structure.  
4 There is one that is more lengthy expanded  
5 planning area. But they generally cover the same  
6 kind of topics, the same headings. They recognize  
7 the unique characteristics and needs of  
8 Rockville's residential neighborhoods and  
9 commercial districts. That's really the reason  
10 why we are doing that in this forum where you  
11 don't get to dive in that deep in the elements.  
12 Those are citywide policies that you don't get a  
13 lot of fine grain approach to or fine grain  
14 attention.

15 It also identifies in each of the  
16 planning area sections, specific policy changes  
17 that the plan would adopt, upon approval and  
18 adoption they would come into effect for those new  
19 comprehensive policies. There are also  
20 recommendations for later implementation of zoning  
21 changes, urban design recommendations, potential  
22 city projects and topics for additional study.

1 Any of the zoning recommendations would not take  
2 effect immediately. Because they would be taken  
3 through their own process to update the zoning  
4 ordinance.

5 So, there'd be more public comment for  
6 that, more consideration might tweak it somewhat  
7 as long as it's consistent with what the  
8 comprehensive plan is saying. And I put the  
9 website here for our Rockville 2040 initiative if  
10 you want to. If you haven't seen it already, we  
11 have tried to get it out to as many eyes as  
12 possible. But you can go visit  
13 [www.rockvillemd.gov/rockville2040](http://www.rockvillemd.gov/rockville2040) that's a short  
14 link to get right there. And it has all of the  
15 information that we have put on line that we think  
16 is important for you.

17 A bit of a summary of public outreach  
18 that we have taken to date, leading up to this,  
19 today's public hearing. We sent out letters and  
20 notifications to the Maryland Department of  
21 Planning. They have a clearinghouse that requires  
22 all jurisdictions to notify them when a

1 comprehensive plan update is being undertaken,  
2 when the public hearing dates are going to occur.

3 We also sent letters to the City of  
4 Gaithersburg representatives, both staff and  
5 elected officials; Montgomery County, various  
6 agencies and departments with the county; WMATA,  
7 the transit administration; MCPS school district;  
8 REDI, which is Rockville Economic Development,  
9 Inc.; and the Rockville Chamber of Commerce,  
10 informing them that the draft plan was out and  
11 available for review and comment by them. They  
12 will submit public testimony as well city  
13 residents and employees and visitors.

14 We also advertised in the Washington  
15 Post prior to the public hearing as required by  
16 state law. And we have been trying to get the  
17 word out as much as possible this year through the  
18 Rockville 2040 website. Our email distribution  
19 list, which is a list of people that have  
20 subscribed and joined a list of our distribution.  
21 I'm just going back through the definition  
22 basically, but it's a self-identified group of

1 people who get email updates and you can join that  
2 as well on our project website.

3 We've also had articles on Rockville  
4 reports, sent direct emails to civic association,  
5 homeowner association, representatives, the  
6 contact person who we have for them; as well as  
7 managers of rental apartments in the city. And a  
8 slew of social media posts and staff video  
9 announcement on social media accounts that the  
10 city has. So, we have done our best in lieu of in  
11 person meetings, which we probably would have had  
12 a few leading up to the public hearings, but we  
13 try to do our best in a virtual manner.

14 So, to go over, this information is on  
15 our website as well. But just to let people know  
16 that this is only one opportunity to provide  
17 testimony or it's another word for comments. On  
18 the draft plan, today and on September, the month  
19 of September 23rd and we would ask that you  
20 pre-register for the 23rd by emailing me and  
21 providing some of the information that we would  
22 need to send you an invitation to join the virtual

1 meeting. You can also submit written testimony  
2 through an online comment forum at our Rockville  
3 2040 website. And email written testimony  
4 directly to the Planning Commission, they see it  
5 as soon as you send it. They see it as soon as  
6 you send it. We also see it and are adding it to  
7 the public record as it comes in. Or you can mail  
8 it by letter to the address shown on the slide and  
9 we will, we check that periodically not every day,  
10 but we check the mail.

11 I wanted to make a note to say, that all  
12 oral and written testimony will be made available  
13 for review by the Planning Commission and the  
14 public, following the close of the public record,  
15 whenever that may be. We are also posting the  
16 written testimony, periodically as it comes in.  
17 So, for those that submitted it some time ago, it  
18 should be online and we try to put that up about  
19 weekly or as it comes in.

20 So, this evening, staff recommendation  
21 to the Planning Commission to receive oral  
22 testimony of the draft plan. That would be

1 primarily the planning areas, because that's what  
2 the content is fresh on right now, the document  
3 that we are looking for comments on. But really  
4 it could be anything that pertains to the  
5 comprehensive plan the first Volume elements,  
6 maybe neighborhood plans that related to it as  
7 well. But we expect the most comments the most  
8 interest will be this evening on the planning  
9 areas draft and to keep the public record open, to  
10 accept additional written testimony through the  
11 close of business on Wednesday, October 7th. That  
12 would be two weeks after the last public hearing  
13 date. That's our recommendation, but as the  
14 commission sometimes does that date may be  
15 extended as they see fit.

16 So that concludes my presentation. And  
17 all that's really left now, is to invite, I'm  
18 unmuted now. Just time to accept public  
19 testimony, I think there is a list of those who  
20 signed up in order. So, thank you.

21 CHAIR LITTLEFIELD: Thank you Mr.  
22 Larson. Indeed, I have a list open here, that I



1 received shortly before the meeting. So, I will  
2 take it as the official list for this meeting,  
3 however I would ask staff to please interrupt me  
4 if something seems amiss.

5 Without further ado though, I would  
6 invite the first speaker, if you could please  
7 arrange for that technically for him to take over  
8 and be able to speak on WebEx. And that will be  
9 Mr. Steven VanGrack. Are we able to connect with  
10 Mr. VanGrack? On my screen, I see just the  
11 timers but I do not see Mr. VanGrack nor do I hear  
12 him audio wise. Commissioners and I seeing what  
13 everyone are seeing?

14 COMMISSIONER WOOD: That's all that is  
15 shown, is the timer.

16 CHAIR LITTLEFIELD: Okay.

17 COMMISSIONER TYNER: We see it in queue.

18 CHAIR LITTLEFIELD: Thank you, thank  
19 you. Reverend Wood, Commissioner Tyner. We will  
20 wait, and apologies this is all new to us we've  
21 done a little bit of testimony but not a lot thus  
22 far and mostly gone smoothly and I'm sure we'll

1 work it out but.

2 BETINA: This is Betina, I believe that  
3 Mr. VanGrack may be having technical difficulties  
4 so perhaps we could go to the next person and then  
5 circle back to him?

6 MR. VANGRACK: Okay, that is part of our  
7 rules and procedure anticipating that this is  
8 going to happen from time to time. Unfortunately,  
9 that's just the way it is. But please if you can  
10 work out his technical difficulties to get him  
11 back on the list. I will proceed to the second  
12 person. And on my list it's Jaime Espinosa. If  
13 you could please connect Jaime and we'll go from  
14 there.

15 MR. ESPINOSA: Good evening, this is  
16 Jaime Espinosa.

17 CHAIR LITTLEFIELD: Hi, are you on, do  
18 you have video or are you just calling in?

19 MR. ESPINOSA: Just calling in.

20 CHAIR LITTLEFIELD: Okay, that's fine,  
21 I'll invite you to proceed and I'll will give you  
22 3 minutes, or are you representing an organization

1 or are you just here as a private resident?

2 MR. ESPINOSA: I'm here as a private  
3 resident.

4 CHAIR LITTLEFIELD: Okay, and if you  
5 could just state your address for the record.

6 MR. ESPINOSA: Yes, that is 5717  
7 Ridgeway Avenue.

8 CHAIR LITTLEFIELD: Okay, please proceed  
9 and welcome.

10 MR. ESPINOSA: Okay. My name is Jamie  
11 Espinosa and I live in South Twinbrook. I know  
12 that all of the listening sessions, open houses,  
13 and community forums the city staff held obviously  
14 occurred prior to the current pandemic. Many of  
15 my neighbors have expressed to me what they want  
16 the city to look like has radically changed since  
17 then. I'm here today to take a short pause in  
18 their planning cycle and to request that the city  
19 staff conduct an assessment based on the best data  
20 available on how the pandemic will impact the  
21 future needs of the city.

22 I note that neither Volume I or II of

1 the plans mention the pandemic or COVID. I am  
2 firmly convinced that COVID-19 has completely  
3 changed the housing paradigm for the rest of our  
4 lives. While it may take some time for it to  
5 become fully clear as to what the future needs of  
6 Twinbrook will be due to the pandemic, it will  
7 likely no longer include info in small scale  
8 multi-unit housing concentrated around  
9 transportation hubs. I based this on the fact  
10 that media reports state that July, a set record  
11 for sales for single families detached homes, as  
12 people seek to escape crowded environments to  
13 avoid the virus.

14 In addition, the demand for housing near  
15 public housing has plummeted as many more  
16 individuals have decided to switch from public  
17 transportation to commuting in vehicles in order  
18 to avoid the virus. This can be seen by the fact  
19 that used car sales have skyrocketed. Many  
20 planners are anticipating that within 2 years,  
21 society needs will snap back to what they were in  
22 December of 2019. I think this may be

1 unrealistically hopeful and due to the fact, the  
2 planners have no experience or frame of reference  
3 on including the impacts of a pandemic into their  
4 planning.

5           As a 38-year-old millennial, this  
6 pandemic will drive my housing decisions for the  
7 rest of my life and I know that many of my peers  
8 of my generation feel the same way. My decision  
9 making this area is based on the fact that many  
10 employers have already seen the cost savings of  
11 having the vast majority of their workforces work  
12 from home. Some employers have already told their  
13 workforces to work from home forever. This will  
14 have a significant impact on our area where many  
15 workers are not originally from Maryland. Given  
16 the freedom to work from home full time, I believe  
17 that many of these individuals will choose to move  
18 out of state to places with a lower cost of  
19 living. If this occurs, then the need for  
20 multi-unit housing in this area will disappear.

21           This pandemic is also pushing government  
22 to expand telework dramatically. For example, in

1 the past many employees were allowed to telework 1  
2 to 3 days per week. However, many managers are  
3 seeing that employees have been just as productive  
4 working from home in the last 6 months. This is  
5 driving managers to only require employees to come  
6 into the office one or two times a pay period.  
7 That they only need to commute into the office two  
8 to three times a month, employees will look harder  
9 for housing options in Hagerstown or West  
10 Virginia.

11 As you all know, rezoning in any area  
12 will have dramatic impact. Individuals seeking  
13 single family homes may not want to buy near an  
14 area zoned for multi-unit housing even if no  
15 developer has bought into the area. We need to  
16 make changes before the demand has disappeared.  
17 This may drive higher income and educated  
18 individuals to track up 270 since they don't need  
19 to come into town to go to the office. I ask this  
20 body to take a short pause in their cycle, and to  
21 reassess the city's need in light of COVID-19.  
22 Thank you.

1                   CHAIR LITTLEFIELD: Thank you, Mr.  
2   Espinosa, for your comments and before you go as  
3   we would do in if we were conducting meetings  
4   physically, we accept testimony and we also allow  
5   commissioners clarifying questions as needed. If  
6   you would entertain one. My question to you is,  
7   do you think that housing is the only thing -- two  
8   questions actually. Do you think as you commented  
9   on it, is the only thing that is impacted or  
10   should be looked at or assessed because of the  
11   current corona pandemic is one question? And  
12   also, do you feel that whatever is happening  
13   because of corona, even if corona goes away and  
14   ends and hopefully it does very soon, that  
15   whatever, for whatever reason these impacts become  
16   permanent beyond the end of the pandemic?

17                  MR. ESPINOSA: I think so. I think that  
18   if you look at the public polling on this, I think  
19   a certain demographic, particularly those under 40  
20   will be making certain decisions like long based  
21   on their experience in the last 6 months.  
22   Particularly if this expands to a year or 18

1 months as planners are deciding.

2 And to your question, while my comments  
3 were completely focused on housing, I do think the  
4 city should look in the plan as it relates to  
5 transportation as I don't think the transportation  
6 needs are going to be what they were. As I  
7 suspect many more people are going to be working  
8 from home and not commuting as often. And also,  
9 retail I don't necessarily know that brick and  
10 mortar stores are going to continue existing in  
11 the way that they have. Before the pandemic we  
12 saw them declining. But I think, the online sales  
13 that have skyrocketed, particularly in grocery  
14 deliveries and those kinds of things are going to  
15 lead to less retail space needed.

16 CHAIR LITTLEFIELD: Okay, thank you  
17 again, Mr. Espinosa, for your comments and  
18 testimony. Commissioners are there any other  
19 questions in addition to mine for Mr. Espinosa.

20 COMMISSIONER HADLEY: I would have one,  
21 Mr. Chair, if that's okay.

22 CHAIR LITTLEFIELD: Sure. Mr. Espinosa,



1 another Commissioner, Commissioner Hadley, would  
2 also like to ask you a question.

3 COMMISSIONER HADLEY: Thank you, Mr.  
4 Chairman. Hello, Mr. Espinosa. You have cited  
5 quite a bit of knowledge. I was wondering if you  
6 have come by this and by the analysis behind it as  
7 a matter of personal interest or do you have a  
8 professional interest in relation to this.

9 MR. ESPINOSA: You know, and thank you  
10 for that question. For sure, it's strictly  
11 personal. Like I said, I'm under 40. I plan on  
12 making Rockville my home until I retired. And so  
13 these issues have been very important to me and so  
14 I have been following the news very closely in  
15 particularly in the last 6 months.

16 COMMISSIONER HADLEY: Thank you. Thank  
17 you, Mr. Chair.

18 CHAIR LITTLEFIELD: Thank you,  
19 Commissioner Hadley, and thank you again, Mr.  
20 Espinosa. Any further questions? Okay, I hear  
21 none from my colleagues. Thank you again, Mr.  
22 Espinosa. I appreciate it for joining us.

1 I've been informed that our first  
2 participant is able now to connect so I would like  
3 to invite him and proceed to give us his testimony  
4 and that is Mr. Steven VanGrack. Mr. VanGrack,  
5 can you hear me okay?

6 MR. VANGRACK: Well, I can hear you but  
7 can you hear me?

8 CHAIR LITTLEFIELD: Yes, I can probably  
9 as good as you can hear me.

10 MR. VANGRACK: Well, maybe it's better  
11 that I don't have my picture on the screen. I'm  
12 not sure one way or the other but you can hear  
13 what I have to say. Thank you.

14 CHAIR LITTLEFIELD: Sure, please  
15 proceed. Thank you.

16 MR. VANGRACK: My name is Steven  
17 VanGrack, I reside at 401 King Farm Boulevard.  
18 I've been a resident of Rockville since 1977, my  
19 office has always been in downtown Rockville since  
20 1980. I am here tonight on behalf of Rockville  
21 Associates. Rockville Associates owns the office  
22 building at 110 North Washington Street. The

1 owner is Scott Norwitz. Scott is my friend as  
2 well as my landlord. And a stronger friend but he  
3 is also a good landlord.

4 Rockville Associates contends that it's  
5 in the best interest of Rockville Town Center to  
6 encourage and enhance the transition of office  
7 buildings to residential homes. Rockville  
8 Associates seeks approval to reconstruct 110 North  
9 Washington Street from office retail to  
10 residential. Rockville Associates will not only  
11 increase the size of the building but will seek to  
12 provide more parking spaces than what is provided  
13 for under the new structure at 110. You all may  
14 be familiar with the Urban Land Institute report.  
15 They recommended, and I quote, "that you redesign  
16 each middle land and North Washington Street to  
17 build density in town center without compromising  
18 character."

19 I also suggest that you read and I'm  
20 sure that you have, the comprehensive plan  
21 prepared by our exceptional city planning staff  
22 which recommends the west side of North Washington

1 Street change in zoning to MXCD, the mixed use  
2 quarter district.

3 Personally, I am very familiar with  
4 downtown Rockville in countless ways. But I have  
5 spent time recently with many of the real property  
6 owners and become involved in the redevelopment of  
7 our town center. Many supports the requests that  
8 we are making here, no one opposes it.

9 My personal opinion is that the single  
10 most important real estate planning in Rockville  
11 is the Rockville Town Center. The Rockville  
12 Associates asks that you agree with the Urban Land  
13 Institute report and with the comprehensive plan  
14 to grant the zoning change at 110 to the MXCD, the  
15 mixed use quarter district. Rockville Associates  
16 also asks you to encourage and enhance more  
17 residential homes in Rockville town center. Thank  
18 you for your time.

19 CHAIR LITTLEFIELD: Thank you, Mr.  
20 VanGrack. Commissioners are there any questions  
21 for Mr. VanGrack, from hearing his testimony?

22 COMMISSIONER WOOD: Hi, this is

1 Commissioner Wood. I have one question.

2 CHAIR LITTLEFIELD: Go ahead.

3 COMMISSIONER WOOD: Mr. VanGrack, your  
4 proposal for more residential housing, does that  
5 include all four social economic levels that  
6 everyone will have a piece of this pie? And that  
7 the housing will be so structured so that it can  
8 be affordable?

9 MR. VANGRACK: I honestly believe, and  
10 this is my opinion, I haven't asked Scott Norwitz  
11 this but I can tell you. I think every  
12 residential building in our town center should  
13 have a moderate income provision for it. It needs  
14 to be, we've done it, I believe it's the code to  
15 do it. But I think that yes. I could give you a  
16 simple yes but I think I said yes in a longer way.

17 COMMISSIONER WOOD: Thank you.

18 CHAIR LITTLEFIELD: Thanks to both.  
19 Other commissioners have any questions for Mr.  
20 VanGrack?

21 COMMISSIONER TYNER: Yes.

22 CHAIR LITTLEFIELD: Commissioner Tyner,

1 go ahead.

2 COMMISSIONER TYNER: Mr. VanGrack, you  
3 have mentioned one particular address, but I'm  
4 assuming that the concept you are speaking of  
5 might be all of the way up and down North  
6 Washington Street at some point or even in other  
7 areas within town center. It's a kind of concept  
8 that you might find a possible location in  
9 addition to what you have already spoken to us  
10 about, is that true?

11 MR. VANGRACK: Well, the simple answer  
12 is yes but if you'd like for me to go in to a  
13 little more detail, I will tell you I have spoken  
14 with the people at Federal Realty. And I would  
15 not be surprised if they came forth to make the  
16 same request that we are making here. I have  
17 spoken with other developers, but that  
18 intersection there, East Middle Lane and North  
19 Washington Street, the east side of Middle lane  
20 you aren't going to change, those buildings are  
21 already there. The west side it proposes, I have  
22 not spoken to any of the developers on North

1 Washington Street, other than Federal Realty.

2 COMMISSIONER TYNER: It's an interesting  
3 idea, thank you for bringing it up.

4 CHAIR LITTLEFIELD: Thank you,  
5 Commissioner Tyner. And Mr. VanGrack, as you  
6 presented during your testimony this  
7 recommendation is already to be found in the ULA  
8 on the town center, correct?

9 MR. VANGRACK: Well, this specific  
10 recommendation to change the zoning was in the  
11 comprehensive plan, the Urban Land Institute  
12 report has a lot of language about specifically  
13 the intersection of East Middle Lane and North  
14 Washington Street building density in the town  
15 center. So, there could be some interpretation  
16 there, I don't have all of the language there but  
17 certainly very supportive from the Urban Land  
18 Institute.

19 CHAIR LITTLEFIELD: Okay. Yeah, thank  
20 you, because I remember there was quite some  
21 discussion in that report on Washington Street, on  
22 various things but it includes what you said. And

1 it is geared toward improving the town center and  
2 addressing residential in that further  
3 development. So, thanks again, Commissioners.  
4 Are there any --

5 COMMISSIONER GOODMAN: I have a  
6 question.

7 CHAIR LITTLEFIELD: Commissioner  
8 Goodman, sure, go ahead.

9 COMMISSIONER GOODMAN: I just wonder if  
10 you think that is a general principle that should  
11 possibly be applied further than in town center.

12 MR. VANGRACK: Once again you are  
13 asking, thank you Ann, once again you are asking  
14 my personal opinion, it's a strong yes. I  
15 actually believe we need to develop out town  
16 center, with all due respect to everybody, I go  
17 back to Rockville Mall days. I mean that's when  
18 our town center was an abysmal failure. And it  
19 appears that right now, and I'm not trying to be  
20 critical that our town center needs some help. I  
21 think a residential component is the best thing  
22 that we can do to enhance our town center. Well,



1 if you look at the two new buildings the two  
2 tallest buildings that have gone up in Rockville,  
3 they appear to be doing well residentially. I  
4 think that's where we should be headed.

5 CHAIR LITTLEFIELD: Okay, thanks again.  
6 Any other Commissioners with questions? Okay.  
7 Thank you so much, Mr. VanGrack, for your  
8 comments.

9 MR. VANGRACK: Thank you and it's always  
10 good to see all of you.

11 CHAIR LITTLEFIELD: Likewise.

12 MR. VANGRACK: Have a good evening. I'm  
13 going to listen for a while.

14 CHAIR LITTLEFIELD: Okay, take care.  
15 Bye. Going back to our list, if I have it  
16 correct, the next speaker is Randy Alton. And I  
17 realize that I was following the old ways of  
18 asking for people to give their address but I  
19 think we don't need to do that since we are  
20 gathering that information technologically.  
21 Staff, correct me if I am wrong, it's not  
22 necessary. As long as we have the right person

1     queued up to speak, we can just proceed as --  
2     anyways, is Mr. Alton here?

3                 MR. ALTON:   Yes.   Can you hear me?

4                 CHAIR LITTLEFIELD:   Yep.

5                 MR. ALTON:   Greetings.   Grading  
6     forwarded a detailed analysis as you know Planning  
7     Area 14 back in May.   And I share concerns and  
8     recommendations including my suggestion that you,  
9     the Planning Commission, define the word  
10    "substantial" in your draft regarding Planning  
11    Area 14.   In my experience better to address these  
12    details now rather than later.   Wait, you are  
13    looking to change the zoning for the Rockville  
14    Village Shopping Center, please don't.   Please  
15    first get the answers to the following questions.

16                Ask the staff here tonight, do we know  
17    about the Rockshire HOA parking rights, the number  
18    how many parking spaces will be available?  
19    Recently, I filed an ADA concern regarding no  
20    handicap parking spaces at that facility.   These  
21    ADA parking spaces are going to be needed.   An ADA  
22    is a prominent key issue in that planning area.

1 In addition, we also have the Korean Presbyterian  
2 church, they have a right to practice their  
3 religion. How are they going to be impacted by  
4 the parking if these zoning changes occur and we  
5 have a different land use? Just like to get these  
6 answers beforehand.

7 But one of my greatest concerns are from  
8 being a teacher is back on November 7, 2019, the  
9 Rockville Mayor and Council testified before the  
10 MCPS Board of Education about the safety concerns  
11 at Thomas Wootton High School, especially the  
12 driveway where the buses and cars are not  
13 separated from students and staff. Our students  
14 literally walk through the driveway between buses  
15 and cars pulling in and out of that complex.  
16 Students can't safely access the middle school in  
17 our Rockville neighborhood from Falls Mead to  
18 Lakewood. Scott Drive has no sidewalks. If there  
19 was ever any evacuation in our planning area  
20 between Frost and Wootton High School, we would be  
21 moving 3,000 students over a 56 inch wide bridge  
22 due to the Scott Drive issue of no ability to

1 transition between two sides.

2 The Planning Commission members also  
3 back in 1999 when they rebuilt Wootton High School  
4 and we added on from 1,500 students over to 2,300.  
5 They noted an adequate public facility ordinance  
6 concern. Back in 1999, they actually told MCPS  
7 no. And they told MCPS no because there was no  
8 room for parking. And what ended up happening, we  
9 have overflow student parking leased for the past  
10 20 years at that Rockshire Village Shopping  
11 Center, Giant. We go and make these changes,  
12 there is nothing that has been done to change to  
13 adequate public city ordinance from 1999. That  
14 same concern exists today.

15 So, I would just say that before we  
16 making any changes to zoning, our neighborhood due  
17 to safety, ADA compliance, the adequate public  
18 facility ordinance and including the fire lane  
19 issue that they have in front of the school. Our  
20 planning area needs a comprehensive neighborhood  
21 plan. I thank you so much for your time.

22 CHAIR LITTLEFIELD: Thank you, Mr.

1 Alton. Much appreciated receiving your testimony.  
2 Commissioners, any clarifying questions? It  
3 appears we have none. Thank you again, Mr. Alton,  
4 appreciate it.

5 MR. ALTON: You are welcome.

6 CHAIR LITTLEFIELD: Yep. The next  
7 person that I have on my list is Mr. Kapastin. Is  
8 Mr. Kapastin available on either video or audio?

9 MR. KAPASTIN: Yes, I am available,  
10 thank you.

11 CHAIR LITTLEFIELD: You are welcome.

12 MR. KAPASTIN: Thank you very much.  
13 Good evening, Mr. Chairman and members of the  
14 Planning Commission. I am Kap Kapastin here  
15 tonight on behalf of Shalhorn Rockville, LLC. We  
16 own the Chesapeake Plaza Shopping center located  
17 at 1460 and 1488 Rockville Pike in Planning Area 9  
18 on the east side of Rockville Pike north of and  
19 adjacent to Twinbrook Corner. The property's  
20 located for you on Exhibits 1 and 2 in my written  
21 testimony dated September 3rd which is marked  
22 Exhibit 10 of the testimonies submitted. The

1 property is zoned MXCD, with recommended land use  
2 of ORRM.

3 I should mention that our office is in  
4 Bethesda and we have owned this property for 17  
5 years. Our tenants there include Yekta Deli,  
6 Joe's Noodle House, and Midas Muffler. Similar to  
7 the other properties on the east side of the pike,  
8 our properties are constrained narrowly between  
9 the pike and railway tracks. Our issue is the  
10 extension of Chapman Avenue through our property  
11 to another section of the pike to shown in the  
12 2016 Neighborhood Pike Plan and carried forward in  
13 the draft comprehensive plan. The mere existence  
14 of the Chapman extension presents a chilling  
15 affair in the development of our property,  
16 reducing the Midas Muffler parcel by almost three-  
17 quarters of it. And the strips at our parcel by  
18 more than one-quarter of it dividing the property  
19 into three small parcels. The division of the  
20 property is demonstrated on Exhibits 3 and 4 of my  
21 written testimony.

22 In our review the property has the plan

1 to support and encourage the prospect of future  
2 redevelopment, not inhibit and prevent it. Also,  
3 the State Highway Administrations, SHA did not  
4 allow a signal of Chapman Avenue and the Pike  
5 because placement there would violate the SHA  
6 access manuals required 750 linear feet between  
7 signalized intersections and Congressional Lane  
8 and Templeton Place. Shellhorn opposes the  
9 Chapman Avenue extension through it's property and  
10 informs the city that Shellhorn's attorneys and  
11 traffic engineers advise it that it's very  
12 existence in the draft plan gives Shellhorn the  
13 basis for an inverse condemnation claim against  
14 the city for the damage which will run into the  
15 millions of dollars. Thus, we owe it to the  
16 commission to delete that portion of the Chapman  
17 extension, through 1460 and 1488 Rockville Pike.

18 Thank you for your steady attention to  
19 this matter. A more complete discussion is within  
20 my written testimony dated September 3rd and I am  
21 available for any questions.

22 CHAIR LITTLEFIELD: Thank you, Mr.

1 Kapastin. And yes, we have received your written  
2 testimony on this matter as well. Commissioners,  
3 are there any clarifying questions for Mr.  
4 Kapastin? I believe we have none. But thank you  
5 again, Mr. Kapastin, much appreciated.

6 MR. KAPASTIN: Thank you, sir.

7 CHAIR LITTLEFIELD: Take care. Sorry  
8 for the pause. I'm looking on my list for the  
9 next person. The shift between documents,  
10 multiple monitors no one can see. The next  
11 speaker is Christopher Ruhlen. And I think  
12 (inaudible) and Brewer. Mr. Ruhlen, are you with  
13 us?

14 MR. RUHLEN: Yes, can you hear me?

15 CHAIR LITTLEFIELD: Yes, I can hear you.  
16 Commissioners, I think we are good to go. And  
17 just as a reminder, that you have 3 minutes to  
18 give testimony.

19 MR. RUHLEN: Great, thank you very much.  
20 Good Evening, my name is Chris Ruhlen. I am a  
21 principal with the law firm of Lercher and Brewer.  
22 I am pleased to be here this evening to testify



1 about the Rockville 2040 Comprehensive Plan Update  
2 which our firm's land use attorneys have been  
3 following with great interest.

4 As the Planning Commission is aware the  
5 supply of housing in the greater Washington  
6 metropolitan area has been the subject of  
7 tremendous importance as the region continues to  
8 grow. There is increasing demand from potential  
9 new residence as well as from residence who are  
10 already here and are interested in changing  
11 accommodations. This issue has been the subject  
12 of various recent studies by the city and other  
13 recognized local authorities. Although specific  
14 projections in terms of numbers are constantly  
15 being refined, all of these sources agree that a  
16 dramatic housing shortfall exists and that  
17 addressing the shortfall must be a regional  
18 priority given the importance of diversity of  
19 housing options for overall economic  
20 competitiveness, quality of life, and a viable tax  
21 base.

22 I have provided of several of these

1 authorities with my written remarks that the  
2 commission can review at it's convenience, but  
3 it's worth noting these materials include, first,  
4 a September 2019 report of the Washington Council  
5 of Governments, which found that by 2030, the  
6 region will require 75,000 additional households  
7 over the 245,000 units that local governments have  
8 been planning for. That's approximately 32,000  
9 new units per year.

10 Second, a May 2019 task force report of  
11 the Urban Land Institute, which also found that  
12 the region must increase housing production to  
13 attract and retain a sufficient employment base to  
14 support continued economic growth.

15 And third, I provided the city's  
16 December 2016 housing marking analysis and needs  
17 assessment, which identified a future of demand  
18 for nearly 10,000 new housing units in the city by  
19 2040 across the income spectrum. All of these  
20 authorities conclude that addressing this  
21 shortfall will require meaningful governmental  
22 intervention. To that end, it's encouraging the

1 Volume I of the 2040 plan embraces affirmative  
2 policies to both promote diversification in the  
3 residential land use pattern and also to plan for  
4 land use changes from commercial to residential  
5 uses.

6 It's also encouraging that Volume II  
7 then applies these policies to specific properties  
8 in the city's planning areas. While much work in  
9 the years ahead to actually achieve this vision,  
10 these policies will provide an important  
11 foundation for those efforts. That at the same  
12 time, I would encourage the commission to keep the  
13 expansion of the housing access at the forefront  
14 of its considerations as it continues to review  
15 and analyze the property specific recommendations  
16 in Volume II. The opportunities to change the  
17 housing types allowed at specific locations and to  
18 allow housing on traditionally commercial  
19 properties are precious given the limited amount  
20 of land that is available for new development.  
21 The commission should remain vigilant for such  
22 opportunities as it continues to fine tune its

1 planning area recommendations over the coming  
2 months.

3 And again, I have provided more detailed  
4 written testimony, but I thank you for the  
5 opportunity to participate this evening and for  
6 considering my comments.

7 CHAIR LITTLEFIELD: Thank you, Mr.  
8 Ruhlen, your comments are much appreciated.  
9 Commissioners, does any Commissioner have a  
10 clarifying question for Mr. Ruhlen or comment?

11 COMMISSIONER WOOD: I do, this is  
12 Commissioner Wood. Was he speaking on behalf of a  
13 company or just himself?

14 MR. RUHLEN: I am speaking on behalf of  
15 myself, thank you.

16 COMMISSIONER WOOD: Okay.

17 CHAIR LITTLEFIELD: Okay. Thank you,  
18 Commissioner Wood. Commissioner Tyner, do you  
19 have a question?

20 COMMISSIONER TYNER: Yes, it's just a  
21 question for the gentleman. Because so much of  
22 what we are doing, not just for the housing, but

1 throughout the city, it's just so interrelated  
2 with the school system and the transportation and  
3 all of the facilities that are just as much needed  
4 as housing. I appreciate that and the written  
5 testimony that you have later will be instructive  
6 for us. Thanks again.

7 MR. RUHLEN: Thank you.

8 CHAIR LITTLEFIELD: Thanks, Commissioner  
9 Tyner. Mr. Ruhlen, I have a question if you are  
10 able to answer or not. But I'm wondering if, this  
11 is a really a new topic, and we had a speaker  
12 bring it up earlier and it's just going to be in  
13 front of us. With the statistics on housing  
14 trends and predictions have you seen... or  
15 including the ones that you cited that have taken  
16 into account the sort of new environment due to  
17 the corona pandemic and even what could extend  
18 beyond the pandemic once it's over in terms of  
19 permanent change affected by it.

20 MR. RUHLEN: I have, they are different  
21 than what we heard from the earlier speaker. I've  
22 actually seen much more study and analysis of the

1 impact of coronavirus on the retail market. That  
2 really falls in line with what this comprehensive  
3 plan is looking at in terms of anticipating and  
4 planning for changes of formerly commercial  
5 properties to allow for residential, that the  
6 commercial market seem to be much more impacted.  
7 And again, coronavirus is only one of many issues  
8 that go into a comprehensive plan of this kind you  
9 have to look at things like the tax base climate  
10 change and walk a fine balance for and  
11 affordability, not to mention affordability. I  
12 think that pandemic situation has really laid out  
13 some of the disparities that we have in this  
14 region and I think support the idea of having more  
15 housing.

16 CHAIR LITTLEFIELD: Thank you, that was  
17 a very good answer. A question and just a quick  
18 comment back is... I also thought of that in terms  
19 of affordability. Some of us are able to work  
20 remotely from wherever in these new times, but  
21 there are others who continue to be what I would  
22 call onsite workers or in place workers and

1 nothing has changed for them other than that they  
2 have riskier conditions to work in. But they  
3 still physically need to go where they are going  
4 to work every day. A lot of those types of jobs  
5 require affordable housing so thank you, thank you  
6 for that additional comment.

7 MR. RUHLEN: You're welcome. Thank you.

8 COMMISSIONER GOODMAN: I have a  
9 question.

10 CHAIR LITTLEFIELD: Commissioner  
11 Goodman.

12 COMMISSIONER GOODMAN: I'm not sure it  
13 applies to just to this person giving testimony  
14 but I'm happy to have his thoughts on it and I  
15 would like other people's thoughts on it as we  
16 move forward in this. We've always talked about  
17 smart roof and high density housing around metro  
18 stations. But we're talking tonight increased  
19 need for housing but the question in my mind is  
20 are we going to need so much of this increased  
21 housing concentrated around rapid transit any  
22 longer if people are going to be working from home

1 and are not going to be required to travel to  
2 their workplaces. So, any thoughts on this are  
3 welcome.

4 MR. RUHLEN: If you would like for me to  
5 try to answer, and again it's a little bit off the  
6 cuff I will try to do my best.

7 COMMISSIONER GOODMAN: Please do.

8 MR. RUHLEN: I have certainly been a  
9 student of the smart growth effort in this area  
10 through my career which is now heading into its  
11 end of its 14th year in practicing land use and  
12 zone law here. I do believe that the smart growth  
13 development continues to be of critical importance  
14 to our region we certainly have issues right now  
15 with public transit. But hopefully those issues  
16 are temporary and again these plans are seeking to  
17 walk a line to find a balance between a bunch of  
18 competing policies. And I do think that in terms  
19 of other issues like transportation and climate  
20 change the smart growth development continues to  
21 be important.

22 At the same time, though, I think that



1 the idea of supporting housing accessibility. And  
2 by that, I mean housing types that are, you know,  
3 diverse and available to folks across the spectrum  
4 of the income range does maybe warrant looking at  
5 other sites that aren't maybe transit accessible  
6 that might benefit from these changeovers. And in  
7 that regard, again, it kind of gets back to the  
8 policy and the comprehensive plan update to kind  
9 look at opportunities where perhaps you have  
10 traditionally single family area but maybe other  
11 housing types may be appropriate there or areas  
12 that have been traditionally commercial that might  
13 be appropriate to change over even if they're not  
14 be smart growth locations per se.

15 CHAIR LITTLEFIELD: Thank you, Mr.  
16 Ruhlen, for those additional comments. Any other  
17 Commissioners have any further questions for Mr.  
18 Ruhlen? Nope, I think you have answered a few.  
19 Thank you again we appreciate your comments.

20 MR. RUHLEN: Thank you.

21 CHAIR LITTLEFIELD: Take care. Our next  
22 speaker is Joe McClane of 216 Halpine Court. Is

1 Mr. McClane present virtually or able to join us  
2 via phone or video.

3 MR. MCCLANE: Yes, good evening. Can  
4 you hear me?

5 CHAIR LITTLEFIELD: Yes, we can hear you  
6 please proceed and welcome.

7 MR. MCCLANE: I am the president of  
8 Cambridge walk to homeowner's association. I live  
9 in Halpine Walk Court as you know which is on the  
10 5900 block of Halpine Road near the Metro station.  
11 Tonight, I am speaking on behalf of both of our  
12 Cambridge Walk communities; there are two of them  
13 in support of our written testimony that we have  
14 already submitted to you. A petition supporting  
15 our views has been submitted to the Planning  
16 Commission from our neighbors that live on the  
17 north side of the 5900 block of Halpine Road.

18 While backing the goals of the draft  
19 comprehensive plan and most of its  
20 recommendations, the over 100 residents of our  
21 block firmly oppose the proposed cleavage of our  
22 block into two separate zoning districts. For the

1 many reasons detailed in our written testimony we  
2 believe the proposed division of an established  
3 residential neighborhood of over 25 years in  
4 direct contradiction of the stated goals of the  
5 draft plan. This division and the differing  
6 building standards would negatively affect the  
7 residential character of our street which has  
8 served for decades as a transitional buffer from  
9 one of the highest density areas to a low density  
10 neighborhood of single family homes.

11           It also fails to meet both of the goals  
12 in both Zone and Zone 9. The Cambridge townhomes  
13 communities represent the missing middle which is  
14 so much needed in our city. The area to our south  
15 both city and county are already approved for the  
16 highest concentration of monolithic blocks of  
17 workforce housing in the wider area. But a recent  
18 Arlington County, Virginia, study about missing  
19 middle housing details a high economic and racial  
20 cause of a lack of diverse housing choices in a  
21 neighborhood.

22           In addition, the roadway of our single

1 block is so narrow that traffic is concentrated in  
2 one usable lane when cars are parked on both  
3 sides. With the 5900 block, what would it be like  
4 were there yet more high density construction  
5 allowed on our block? Our pocket neighborhood has  
6 received awards from peers in Rockville and  
7 Montgomery County for our environmentally friendly  
8 landscaping. But we also care deeply about the  
9 building environment and how it affects the  
10 quality of life of our neighborhood and our  
11 neighbors both current and future. The nearby  
12 high density neighborhood already lacks amenities  
13 such as tot lots and dog walks which puts a strain  
14 on our small green block.

15 The bottom line is that our current  
16 infrastructure and amenities are insufficient for  
17 current residents, Rockville, and county  
18 authorities have already approved high density  
19 workforce housing along one block of Ardennes  
20 avenue accommodating almost 1,000 residents all  
21 within this one block. Frankly, we are  
22 approaching a breaking point again for the 5900

1 block what would it be like if yet more high  
2 density construction allowed.

3 Let me be clear, we support the stated  
4 goals of the draft comprehensive plan. Unlike  
5 some neighborhoods we welcome development of  
6 housing of different types at different price  
7 points. But proposed development must be  
8 sensitive to the existing character and  
9 infrastructure of community. Smart growth does  
10 not segregate high density workforce housing,  
11 cheap by chow nor does it destroy the residential  
12 character of the existing neighborhoods not even  
13 our block. Please help us preserve our wonderful  
14 neighborhood by allowing both sides of the 5900  
15 block of Halpine Road to remain within the Zone 8  
16 Twinbrook, the boundary between Zones 8 and 9 need  
17 to remain within the northern property line of the  
18 Alaire and the Metro property. Thank you for this  
19 opportunity to present the testimony and reviews  
20 of our neighborhood.

21 CHAIR LITTLEFIELD: Thank you, Mr.  
22 McClane. And before I ask other Commissioners and

1 before you leave us, I do actually want to ask a  
2 clarifying question to our staff who are listening  
3 in. I don't know if, Mr. Larson, if you want to  
4 take the question at least initially. Are you  
5 there?

6 MR. LARSON: I'm here.

7 CHAIR LITTLEFIELD: So, I seem to -- I  
8 don't have a map or the testimony they submitted  
9 in front of me or open on my monitor, I'm aware of  
10 it. And I followed pretty well what he was saying  
11 when he referred to the 5900 block of Halpine Road  
12 on both sides. But I do want to make sure that if  
13 we do get into discussion on this one way or  
14 another later just with Commissioners after when  
15 public testimonies close that staff follows to the  
16 "t" the areas that he's referring to in the event  
17 the commission would want to consider a change in  
18 moving between zones planning areas.

19 MR. LARSON: Yes.

20 CHAIR LITTLEFIELD: Sorry, yes, so if we  
21 needed --

22 MR. LARSON: Yes, I think that's when he

1     talks about zones, I think he is really referring  
2     to the boundaries of the planning area.

3                   CHAIR LITTLEFIELD:   Planning Area 8 and  
4     Planning Area 9.   And testimony is that both sides  
5     should be in.   Staff is well aware that geography  
6     as needed.

7                   MR. LARSON:   Yes, and as he pointed out,  
8     this is a change from the past boundary and it was  
9     done for a set of reasons but can be changed if  
10    the commission so chooses.   Yeah, that's really --  
11    the boundaries are in organizing they are.   Sorry,  
12    I have to put my video on to help put things  
13    together in what we see is affinity areas.   But  
14    they don't have any other tangible rationale  
15    behind it otherwise, just as far as it changes how  
16    your demographics and your housing counts work  
17    out.   But the recommendations can still be the  
18    same as far as policies or new zones.   So, yeah,  
19    we would be happy to discuss with you and  
20    entertain a change in the boundary as they are  
21    asking.

22                   CHAIR LITTLEFIELD:   Okay, and our

1 process is to deliberate on this, the Commission  
2 will deliberate on this in the months ahead, but  
3 any Commissioners have any clarifying questions  
4 for Mr. McClane while he is on with us?

5 Commissioner Tyner, do you have your hand up?

6 COMMISSIONER TYNER: Yeah, I just want  
7 to comment that neighborhood has been part of not  
8 only their own area, but Twinbrook Citizens  
9 Association, or Community Association, that now  
10 it's called for over 50 years. We last looked at  
11 this in 1972, when they were putting in the church  
12 on the corner which was to have been a firehouse  
13 once upon a time. So, I mean, there is a long,  
14 long history for this area of Rockville to be a  
15 part of the same association through everything.  
16 They have their own -- their homeowners at the  
17 moment, but is still a part of the overall area in  
18 Planning Area 8. And that's what they really --  
19 what they are talking about. And I appreciate  
20 Clark's comments because they are just moving a  
21 boundary here. Thank you.

22 COMMISSIONER GOODMAN: And I just have a



1 comment. As one who drives up that street often,  
2 I can understand Mr. McClane's comments about  
3 single lane dodging between cars on both sides of  
4 the street.

5 CHAIR LITTLEFIELD: Thank you,  
6 Commissioners. Anyone else? Okay. Thanks again,  
7 Mr. McClane, for your comments.

8 MR. MCCLANE: Thank you.

9 CHAIR LITTLEFIELD: Next on the list  
10 George Liechti, if I've said that correctly.

11 MR. LIECHTI: That's close enough.  
12 George Liechti.

13 CHAIR LITTLEFIELD: Good enough.  
14 Welcome.

15 MR. LIECHTI: Much appreciate it. I  
16 don't mean to hammer you guys too much with this,  
17 nut I am in the same homeowner's association as  
18 the previous speaker. And I live at 221 Halpine  
19 Walk Court. My wife and I moved here from the  
20 Shady Grove area and we have been a part of the  
21 Twinbrook community for about 5 years now. And my  
22 testimony is specific to proposed rezoning changes

1 on the 5900 block of Halpine Road.

2           Since moving here, I have watched the  
3 prevalent large construction of high-density  
4 apartment complexes begin to work their way down  
5 the street on Ardennes Avenue. I've often  
6 wondered if our little suburban area can absorb  
7 this many new residents. So, this was a concern  
8 prior to this 2040 plan. But then when I read the  
9 city's proposed redevelopment plan for our area, I  
10 was shocked that even more higher density housing  
11 was in the works for the planning area essentially  
12 on either side of our apartment, on either side of  
13 our townhouse communities. And I was upset enough  
14 to propose and help change and make our draft  
15 letter from our HOA in response to the planners'  
16 proposal. Our letterheads have had universal  
17 support from all of the residences of both  
18 townhouse communities as well as the larger area.

19           Again, our major issue of concern is the  
20 proposed plan to effectively remove our block from  
21 the rest of Twinbrook in Planning Area 8 and  
22 parcel off our section and move it over to

1 Planning Area 9. I liked that when the plan was  
2 developed it came up with key issues that were  
3 specific to the residences to each planning area.  
4 However, when I was struck by, when I looked  
5 through them, I looked at the concerns raised for  
6 residents of Zone 9, they appeared to apply to not  
7 mirror any of my neighbors. And in contrast when  
8 I looked at these areas that were specific to Zone  
9 8, I felt a connection to all of those things.

10 So when you include things like a desire  
11 to maintain a residential character of a planning  
12 area, a need to address housing stock and housing  
13 maintenance concern over the limited diversity in  
14 as well as availability of affordable housing; an  
15 interest in reduced traffic congestion and a need  
16 to improve pedestrian safety, those are the key  
17 interests to me and my neighbors. And when I  
18 looked at the list of concerns, it became pretty  
19 clear that these proposed rezoning changes for  
20 focus area 1, didn't address any of them. So  
21 despite being against the rezoning, I support the  
22 stated goals in the draft comprehensive plan,

1 providing that workforce housing is a worthy goal.  
2 But packing them all into two square blocks really  
3 isn't. Clearly, those two square blocks in an  
4 underrepresented community that already lacks  
5 sufficient infrastructure support for its current  
6 and future residents, this is not in the best  
7 interest of the city, in my view, or the Twinbrook  
8 community.

9 And I strongly endorse our letter to the  
10 Planning Commission resoundingly backed by the  
11 community and our proposed issuance is to allow  
12 the boarder between Planning Areas 8 and 9 to  
13 remain as it has been for over 25 years between  
14 the northern property line of the Alaire and the  
15 Metro property. More housing is fine, but diverse  
16 housing is better and smart growth doesn't mean  
17 monolithic apartment complexes. And I thank you  
18 for listening.

19 CHAIR LITTLEFIELD: Thank you, Mr.  
20 Liechti. Commissioners, any questions or  
21 comments? Apparently not, but thanks again for  
22 providing us with your testimony.

1 MR. LIECHTI: Sure thing.

2 CHAIR LITTLEFIELD: Yep, have a good  
3 evening. The last speaker on my list is Meera  
4 Murgai. Is Meera here with us?

5 MS. MURGAI: Yes, can you hear me?

6 CHAIR LITTLEFIELD: We can but there is  
7 an echo. Can somebody help her to get rid of that  
8 echo?

9 SPEAKER: Yes, we are working on that.

10 MS. MURGAI: Too many devices on the  
11 same house and we are all working remotely and  
12 video conferencing for our day jobs and this is  
13 what happens. Does it sound better now?

14 CHAIR LITTLEFIELD: It does and I can  
15 completely appreciate that, I've got computers all  
16 over the place at my house.

17 MS. MURGAI: This is ridiculous, but we  
18 are so we can work that way.

19 CHAIR LITTLEFIELD: Welcome.

20 MS. MURGAI: Okay, I can get started.  
21 Thank you very much for allowing me this  
22 opportunity to give testimony over the Planning

1 Commission's proposed plan. I too am here to talk  
2 about the 5900 block of Halpine Road. I have been  
3 a resident of this neighborhood for 4 to 5 years  
4 now. And it's interesting, my husband and I  
5 actually pursued this neighborhood specifically  
6 because we were in pursuit of this missing middle  
7 type of housing that I now appreciate is in very,  
8 very high demand and in low supply within  
9 Rockville City. In fact, this is one of the only  
10 neighborhoods within this price point with these  
11 characteristics that we could actually find that  
12 we could afford to live in.

13 I bring this up, because the proposed  
14 change in the 5900 block of Zone 8 to Zone 9 as  
15 you heard in the past, in the last two  
16 testimonies, would actually affect this missing  
17 middle neighborhood very much. They're already,  
18 as you have also heard, are getting or have gotten  
19 many high density housing units in our  
20 neighborhood of which I am really highly  
21 supportive of but what we are actually missing is  
22 this lower density is so sorely needed and missing

1 the middle.

2           And what I think that could really help  
3 matters if we could stay with the Twinbrook  
4 community we would not only keep the same  
5 character that we had with our neighbors which we  
6 so much enjoy but we could enable a lot more of  
7 these townhouses keeping to (inaudible). That  
8 would definitely help people like me and my  
9 husband who came here for our jobs We still like  
10 to be close to our high transit such as the Metro,  
11 even given our remote working capabilities, even  
12 as we go forward, future work even past COVID. We  
13 will probably still need access to high transit  
14 opportunities to get to our jobs. And there are  
15 many people in this middle income bracket finding  
16 themselves this is the case so it's not just  
17 people at the lower income levels that do  
18 thoroughly need housing, but also people in the  
19 middle that need access to these amenities.

20           You've also heard about how crowded our  
21 street is on Halpine Road. We also look out with  
22 great interest for different amenities such as the

1 elementary school in Twinbrook, which I know is  
2 outside the purview of this Planning Commission  
3 but perhaps we should also recognize with the  
4 higher density of residence that come to the area  
5 a higher density of elementary students who need  
6 access to those schools also as necessary. That  
7 school is already overcrowded and is in need of a  
8 lot of these to bring it up to par with the rest  
9 of the exemplary schools that we have in Rockville  
10 city.

11 So, in summary, I would like to propose  
12 that we include the block, both sides of this  
13 block, in zoning so that we can maintain character  
14 and maintain the missing middle or shore it up.  
15 That's all I have to say. Thank you.

16 CHAIR LITTLEFIELD: Thank you, Ms.  
17 Murgai. I have a clarifying question. I  
18 appreciate your testimony, it's well- received.  
19 And I just wanted to make sure as I listened, so  
20 as the previous two speakers you also support the  
21 adjustment to the planning areas in the area we  
22 are talking about so that they all lie within



1 Planning Area 8 is one of your points. But are  
2 you also saying or advocating for us to promote  
3 greener, do a better job of promoting the missing  
4 middle, specifically in Planning Area 8, or is  
5 that just more generally something we should look  
6 up citywide?

7 MS. MURGAI: Yes, thank you for that  
8 question. So, yes, to your first point to  
9 clarify, I'm advocating for us remaining both  
10 sides of this block remaining inside of 8.

11 CHAIR LITTLEFIELD: Okay.

12 MS. MURGAI: Any particular not  
13 necessary to this neighborhood but to surrounding  
14 areas we do need to take a better look at the  
15 missing middle, I do know that that was one of the  
16 priorities or one of the points that was raised in  
17 many parts of the company's plan. But a lot of  
18 the zoning issues that have been brought up  
19 tonight and also in that plan that kind of miss  
20 out on our actual list of this.

21 And this is actually a big deal. I was  
22 not kidding while we were looking for places to

1 live, we could just not find anything that fit  
2 these characteristics and we are very happy to be  
3 on this block in our neighborhood, but we love the  
4 community but it's literally is one of a kind.  
5 And I really want to see where my peers have that  
6 (inaudible) find the right housing. There really  
7 is not this type of housing in different parts of  
8 the city. And it's kind of goes back to the  
9 things what some of the other testimonies have  
10 raised is that when we talk about diversity,  
11 housing stock, I think it's important to talk  
12 about diversity and where that housing stock is  
13 located as well.

14 So, yes, we do give a high importance in  
15 housing. This has been quite an issue in the  
16 entire D.C. metro area. But it cannot be  
17 concentrated in one area and the missing middle  
18 cannot be concentrated in one area as well.

19 CHAIR LITTLEFIELD: Okay, thank you for  
20 clarifying. I guess to summarize, you were -- you  
21 support the neighborhood feel and the residential  
22 neighborhoods as they are, but find ways to

1 accommodate more people such as townhomes and new  
2 types of housing that one would not call high  
3 density in those places, but higher than what is  
4 currently there, but still maintaining a certain  
5 neighborhood character that is appreciated.

6 MS. MURGAI: Yes, thank you.

7 CHAIR LITTLEFIELD: Okay. Thanks.

8 Commissioners, any other questions. I guess not.  
9 Well, thank you again for your testimony.

10 And that actually, I don't have any  
11 other people on my list that would like to speak  
12 tonight. So, I would ask staff, I don't know if  
13 we had any other procedure, anyone else that's  
14 calling in or anything or if we had anyone that I  
15 am missing.

16 MR. LARSON: Well, I would see if anyone  
17 logged in or expressed their interest during the  
18 meeting or right up before the meeting they could  
19 speak now. But as you say, I don't think I see  
20 anyone extra who has joined, so I think we have  
21 gone through our list this evening.

22 CHAIR LITTLEFIELD: Okay, well, very

1 good. We got pretty good testimony for doing this  
2 virtually on diverse issues. I believe that we  
3 could go to the next topic. I don't think that  
4 our intent here is to have Planning Commission  
5 discussion, though. I certainly would, before we  
6 move on, ask if any Commissioners do feel -- do  
7 have any comments they would like to make while we  
8 are still on the topic of public testimony and  
9 maybe even the topics that were presented to us.

10 COMMISSIONER WOOD: Hi, this is  
11 Commissioner Wood, Reverend Wood. I think it's  
12 important to keep in mind some of the references  
13 to COVID-19 was like when we're -- when it's over.  
14 We don't know when it's going to be over. We are  
15 looking to go in to 2021 with residue from  
16 COVID-19. So I think it's important to keep in  
17 mind that we do have to start thinking around  
18 transportation and other issues as related to  
19 COVID-19.

20 CHAIR LITTLEFIELD: Yes, I would agree  
21 and I look forward to our ongoing discussion on  
22 that in the sessions ahead even following our

1 testimony that there is a lot to be said about the  
2 coronavirus, but for our purposes here as planning  
3 commissioners that is a big chunk of what there is  
4 to be said in looking at it. And you're right, we  
5 are in it right now. We don't know, we don't know  
6 what the future holds.

7 Any other commissioners? Commissioner  
8 Hadley go ahead.

9 COMMISSIONER HADLEY: Was Commissioner  
10 Goodman trying to speak? I will yield to her if  
11 she is.

12 COMMISSIONER GOODMAN: That's all right,  
13 I'll wait.

14 COMMISSIONER HADLEY: Okay.

15 CHAIR LITTLEFIELD: Go ahead, I  
16 apologize. I don't have the hand up thing  
17 tonight, but we're working it out. You're next,  
18 Commissioner Goodman.

19 COMMISSIONER GOODMAN: Well, I was just  
20 going to say I think we have had a lot of good  
21 testimony from the Halpine Walk folks and I would  
22 like to say that I for one support their request

1 to leave the boundaries as they are. I think they  
2 had some good arguments and it appears to me that  
3 there are a lot of representatives from that block  
4 that felt the same way about it. So I would just  
5 propose that we deal with that issue right now.

6 CHAIR LITTLEFIELD: Well, we have  
7 concluded the testimony, so, Commissioners, what  
8 do you think? I think just to clarify, yes, we  
9 had three people testify, but we also received  
10 other written testimony including, I believe a  
11 petition with more names if I'm not mistaken on  
12 that. But regardless, it seems like it is not a  
13 change that we need to make, but rather a change  
14 that we may simply want to prevent. In other  
15 words, leave it as it is. Because the plan right  
16 now proposes to make the changes. Is that  
17 correct? So we would say don't make that change  
18 in the current draft of the plan.

19 COMMISSIONER HADLEY: Mr. Chairman.

20 CHAIR LITTLEFIELD: Sure, Commissioner  
21 Hadley.

22 COMMISSIONER HADLEY: This is not the

1 point I was going to raise earlier. But I am  
2 inclined to be friendly to idea of not making a  
3 change but if we have two meetings to poll the  
4 testimony. I think procedurally we might hesitate  
5 to make any change in so with public testimony.  
6 Not that that would necessarily change your mind  
7 but in fairness give everybody a chance and then  
8 if you come back and it's pretty easily again.

9 MR. DUMAIS: This is Nick, and I just  
10 wanted to follow Commissioner Hadley's comments.  
11 If the commission is interested in taking a policy  
12 position it's probably way into an advertised work  
13 session do that. Because it's like an advertised  
14 as public testimony, although comments by  
15 commissioners are perfectly fine. There couldn't  
16 be discussions and votes on policy issues.

17 CHAIR LITTLEFIELD: Thanks for weighing  
18 in today. Commissioner Tyner, you also have a  
19 comment.

20 COMMISSIONER TYNER: I agree with my two  
21 colleagues in both ways except our procedures have  
22 always been that we wait until all of our public

1 hearings are over because we may not know exactly  
2 what has been submitted in writing, let alone  
3 whether we will have other kinds of commentary at  
4 our next hearing. Not so much on this particular  
5 issue but on housing and some other areas, I'm  
6 sure there will be people coming forward the next  
7 time. I would feel much more comfortable making  
8 any kind of a decision on anything that comes  
9 forward. Once we see the record close and then we  
10 see what we are dealing with. Because you never  
11 know what might pop up. I agree with our  
12 attorney, believe it or not.

13 CHAIR LITTLEFIELD: The eagerness around  
14 the issue is duly noted, but I feel based on the  
15 comments thus far we might not have enough for  
16 that such a motion to carry if we were to. So I  
17 would say let's follow the advice.

18 Unless any other commissioner wants to  
19 weigh in one way or another, I would say with all  
20 due respect to Commissioner Goodman suggestion  
21 that we just leave it as a comment and follow the  
22 advice of our legal counsel and continue this



1 after public record as closed.

2 COMMISSIONER HADLEY: Mr. Chair, I'd  
3 like to come back to the comment I was going to  
4 offer before we were going to --

5 CHAIR LITTLEFIELD: Oh, I'm sorry, yes,  
6 please do.

7 COMMISSIONER HADLEY: I'm greatly  
8 offended.

9 CHAIR LITTLEFIELD: Technical issues.

10 COMMISSIONER HADLEY: It's just a  
11 reminder from me in referring to the need to  
12 consider changes in the pandemic environment. We  
13 are also recognizing that the variation in our  
14 language we are also including articulation of  
15 post pandemic environment there may be long term  
16 changes that are influenced by this time. So I  
17 hate to leave on just this COVID or pandemic type  
18 changes. But we will see if there will be rapid  
19 change in a number, including in a section of what  
20 kind of housing.

21 But I'm wondering, and we don't have to  
22 discuss it now, but if we can just put a footnote

1 or a placeholder, it may be that when our hearings  
2 are through that we may want to consider adding a  
3 sort of a flexibility clause out of another  
4 existing clause. But there may need to be a  
5 sooner review than 10 years on the issues that  
6 we've discussed tonight because really the trends  
7 and the data are either only barely beginning for  
8 me or I'd even be emerging yet. I think I would  
9 hate to see us adopt some view of the post  
10 pandemic environment in anticipation of some  
11 assumption that, in fact, never occurs or occurs  
12 doubly or whatever. Thank you.

13 CHAIR LITTLEFIELD: Thank you,  
14 Commissioner Hadley. I would add the thought as  
15 well, you know we did have one testimony that kind  
16 of was suggesting that, I think pause was the word  
17 that they used with this process because of the  
18 coronavirus and, you know, that seed has been  
19 planted in our minds. Maybe a pause isn't a pause  
20 but a slower -- a slow down on that issue or those  
21 issues, but something to consider as we go forward  
22 with this.

1                   And also, you know, I mean, there is  
2   really going to be a lot to unpack when we do get  
3   into our deliberations. The coronavirus in some  
4   ways is simply accelerating trends we already know  
5   about and have already seen like retail under the  
6   stress, people buying things online and people  
7   being able to work remotely at home. Those all  
8   started before the pandemic and they're just  
9   accelerated.

10                   At the same time, though, it might even  
11   -- that acceleration might bring new things that  
12   completely the opposite of our assumptions and  
13   some of that came through this evening with some  
14   of the -- I think on smart growth and just the  
15   questions is the smart growth model still hold,  
16   yes or no, and not to get into that tonight.  
17   There was certainly a lot. It was -- I enjoyed  
18   the testimony and the thoughts and comments and  
19   the ideas raised. It was a lot to think about.  
20   Anyone else?

21                   MR. LARSON: Mr. Chair. This is Clark  
22   Larson.

1 CHAIR LITTLEFIELD: Hi, go ahead.

2 MR. LARSON: I just had one question for  
3 you. I know this might be a little tone deaf to  
4 what you were just saying about not speeding up or  
5 slowing down. I wondered if you wanted to  
6 entertain the advertising the closing record date.

7 CHAIR LITTLEFIELD: It's a good segue.

8 MR. LARSON: Yeah, I know. Let me just  
9 complete the part of what you just said. We feel  
10 that it's important for the public to know at some  
11 point when the deadline is. It's certainly been  
12 extended past two weeks after the last public  
13 hearing date before. You could, it just is up to  
14 you.

15 CHAIR LITTLEFIELD: Yeah, and that sort  
16 of actually before -- thank you, Mr. Larson,  
17 because we really shouldn't move on to any further  
18 agenda item until we address that. That's part of  
19 the agenda item until we address that. That is  
20 part of this agenda item is part is the -- the  
21 staff has suggested that we set a date to close  
22 the public record. But my comments, I was

1 thinking more post closure so it's just our own  
2 deliberations on the points that have been already  
3 raised. We're not too at odds in that thought  
4 vein. But to do that we would specifically need,  
5 let me look at our agenda because I know you  
6 presented it to us. There was a date, all right  
7 the thing between monitors.

8 MR. LARSON: Yeah, we suggested October  
9 7th.

10 CHAIR LITTLEFIELD: October 7th at the  
11 close of business as the end date for when written  
12 testimony can still be submitted to us, to the  
13 commission. And that would actually mark our next  
14 public hearing is September 23, thank you. Yeah,  
15 and so that would actually be two weeks from that  
16 date, too, which seems like an ample period of  
17 time for anyone to digest and get back to us on  
18 whatever thing might be raised at that next  
19 meeting if that were what was driving their  
20 written testimony.

21 Commissioners, what is the general  
22 consensus on the staff's suggestion on that date?

1 COMMISSIONER PITMAN: I have a question.

2 CHAIR LITTLEFIELD: Commissioner Pitman.

3 COMMISSIONER PITMAN: I know we talked a  
4 lot at the beginning of the meeting what was that  
5 it was to advertise to the public. Mr. Larson,  
6 what -- how will this go back out to the public,  
7 about the testimony date ending? Will you guys  
8 run it again in Rockville Reports? Will you  
9 contact the civic associations again to let them  
10 know that the deadlines are October 7th or  
11 whatever deadline it is? What kind of public  
12 contact will there be post public hearing to make  
13 sure that people know when the deadline is for the  
14 comments?

15 MR. LARSON: Right, I think that's --  
16 you're right on. Every media outlet, every way of  
17 communication we have used in the past, including  
18 letters to official agencies, but also social  
19 media, emails, website, I think we should use it  
20 all. To let everyone know, once you decide what  
21 the closure date is, that it will be closing and  
22 even if you have submitted testimony already, you

1 can submit more but this will. We are letting  
2 people know this will be the opportunity to give  
3 the Planning Commission your thoughts and comments  
4 before they start deliberating on it at the work  
5 sessions. So, yeah, I would imagine that we would  
6 use every avenue that we can.

7 COMMISSIONER PITMAN: So, outreach  
8 continues after the last public hearing?

9 MR. LARSON: After the last public  
10 hearing on the 23rd, we could do one more blast.  
11 I imagine even late this week, even next week. If  
12 you do decide on date of closure tonight, we would  
13 everyone know that there is another public hearing  
14 coming up for oral testimony and the date of the  
15 last opportunity to provide written testimony. I  
16 don't know if we would do all of those media  
17 outlets and communication avenues between the 23rd  
18 and the 7th. But, you know, social media  
19 certainly, the easy stuff online probably, not  
20 letters to all of the agencies again.

21 COMMISSIONER PITMAN: Okay. Okay, thank  
22 you.

1                   MR. LARSON: Then I have a question  
2 related to that. How would it affect staff's  
3 planning and execution of all of that campaign  
4 effort, communication effort if we did not set  
5 that date tonight but rather at the next hearing?  
6 So, two-week delay. Well, we would probably go  
7 about it the same way, but you would give any  
8 member of the Rockville community, the general  
9 public less notice. It really wouldn't change my  
10 work, this is my job, I'm going to do it anyway.  
11 It would just -- if it is the 7th and you decide  
12 on the 23rd, people would only have 2 more weeks,  
13 so we're just seeing that giving this advance  
14 notice, if you decide tonight, is more of a  
15 service to the public.

16                  CHAIR LITTLEFIELD: Okay, I don't know  
17 if it's a question for you or Mr. Dumais, but to  
18 set that date tonight is not the actual closure of  
19 the public record. The record would actually  
20 close on the 7th? I think we have a meeting, no  
21 we would meet after that. Or would it be that we  
22 would vote on it tonight and then it just sets in



1 motion and it ends at that time? That's all  
2 that's needed.

3 MR. DUMAIS: My understanding is that  
4 they have, you would vote on it tonight, you would  
5 not need a separate vote to close the record. So,  
6 you could keep the record open, for example a week  
7 behind here public hearing, your last public  
8 hearing without actually taking a vote to close.

9 CHAIR LITTLEFIELD: Okay, so that's what  
10 it is. Thank you. Commissioners, further  
11 comments? Commissioner Tyner.

12 COMMISSIONER TYNER: I just would like  
13 to comment that setting the time tonight gives  
14 people another whole month to get their act  
15 together for which they should have been thinking  
16 in the last 7 months. I think it's particularly  
17 good to set the date because after supposing that  
18 on the 9th of October is the closing date, we only  
19 have four meetings after that to begin looking at  
20 all of this material. So obviously we are not  
21 going to finish, in my opinion obviously we won't  
22 finish it up this year. But the sooner that the

1 public knows that this is a hard fast date bang,  
2 we could, they could proceed and we could proceed  
3 too.

4 I would also note, in the past there  
5 have been occasions where when we were doing the  
6 Rockville Pike plan, we had from the public  
7 hearings we had a closing public hearing, closing  
8 the public record which we then extended because  
9 all of a sudden in between the two there seemed to  
10 be a whole lot more activity. So that was still  
11 even though we voted tonight and picked the  
12 particular date it would still allow us  
13 opportunity if there was a huge surge of something  
14 and we wished to discuss extending it another week  
15 or something after that, we could still do that  
16 too. But I really think we should think in terms  
17 of how many meetings we have scheduled at the  
18 moment of this year. Because we've only got one  
19 in November and one in December.

20 So, we need to keep our head of steam  
21 going for a whole lot of this stuff. As you  
22 mentioned the COVID-19, a lot of the things we

1 will need to look at, as I mentioned before, in  
2 part II is all our bits and pieces of what the  
3 city's going to do in a particular planning area  
4 because some of that depending on how the budgets  
5 are going to look, we may want to take a look at  
6 that too as we get into the nitty gritty of part  
7 II, I think part I we've pretty well worked on.  
8 Thank you, sir.

9 CHAIR LITTLEFIELD: Thank you,  
10 Commissioner Tyner. Other Commissioners?

11 COMMISSIONER HADLEY: Mr. Chair.

12 CHAIR LITTLEFIELD: Commissioner Hadley.

13 COMMISSIONER HADLEY: If I understand  
14 correctly the consideration is whether we will be  
15 closing the public record as to Volume II planning  
16 areas as a question of a higher plan.

17 CHAIR LITTLEFIELD: That's a fair  
18 question and I actually assumed it was the plan,  
19 but, Mr. Dumais, can you please tell us, are we  
20 closing the public record on both volumes or only  
21 on Volume II?

22 MR. DUMAIS: This might be a good

1 question for staff because I don't know if we had  
2 previously closed the record on volume I which was  
3 handled in a separate series of public hearings.  
4 So, I'll defer to staff on this one. If that is,  
5 in fact, the case, then really the testimony here  
6 technically should be limited to the second volume  
7 of the comp plan and we would only be closing the  
8 public hearing, excuse me the public record for  
9 that second volume.

10 MR. LARSON: This is Clark. Yes, that  
11 is my understanding although we recognize there  
12 might be comments and discussions about the  
13 planning areas' volume that pertain and go back to  
14 the elements. So, there's a lot of crossover  
15 here. Previously, we did have a public record  
16 open for Volume 1. We hadn't produced Volume II  
17 yet or drafted the planning areas yet, so that was  
18 closed. And then we came back and did a bunch of  
19 work in the office to produce the areas volume and  
20 now that is what open today. So, I wouldn't say  
21 that we would prohibit people from speaking on  
22 anything in Volume I. But we are really looking

1 for feedback and testimony on planning areas  
2 volume.

3 But I believe closing the public record  
4 would close it out for the entire comprehensive  
5 plan at this stage Unless the Planning Commission  
6 decided there was another reason to reopen it  
7 again before they take action and send it to the  
8 Mayor and Council. But of course, the Mayor and  
9 Council will have another opportunity for  
10 testimony and their own review.

11 MR. LEVY: Mr. Chair, if I might, it's  
12 David Levy.

13 CHAIR LITTLEFIELD: Yes, welcome, Mr.  
14 Levy.

15 MR. LEVY: In our communications to the  
16 public we have said that the primary focus is on  
17 the planning areas, but we have said that  
18 testimony could come in on other parts of the  
19 plan. And so, I think we have generally  
20 communicated that the plan is open. In prior  
21 communications with the city attorney's office, I  
22 have understood that when the plan is open, the

1 plan is open.

2 So, we kind of segment these things, but  
3 if somebody gives testimony on the plan when the  
4 record is open. They are giving testimony on the  
5 plan. You know, they might give it on a  
6 completely different portion than we're thinking  
7 about. That doesn't mean the Commissioner, the  
8 Mayor and Council have to take that up at that  
9 time. But if the record is open for the plan then  
10 its open is what I have understood. So, if you  
11 were to close the record, you would be closing it  
12 for the plan.

13 MR. LARSON: Yes, I would agree with  
14 that. That makes sense to me.

15 CHAIR LITTLEFIELD: All right, I will  
16 also agree. We didn't have a plan II when plan I  
17 was closed so it closed the plan. Now in two  
18 parts but it closed the plan. And we ourselves  
19 are telling everybody that we want to harmonize  
20 and that these are kind of interrelated components  
21 so if you want to see the next few weeks or the  
22 next few months open it's all interrelated.

1 Commissioner Tyner, go ahead.

2 COMMISSIONER TYNER: Just a personal  
3 comment. We did all of the elements in part I.  
4 And that was based on what we had talked about and  
5 what the public had told us and all that. And  
6 when we were doing part II, we had in essence  
7 operationalized some of those elements that we  
8 talked about. And there is always my interest  
9 that once we were through with part II in making  
10 whatever adjustments and whatever we still had an  
11 opportunity to look at the elements in part I in  
12 case we would want to strengthen some part of it  
13 on the environmental area or housing or whatever  
14 before that actually got clocked in and we set it  
15 up to Mayor and Council. There is always the  
16 opportunity to adjust the broad brush stuff based  
17 on what we've done in the planning areas if in  
18 fact it doesn't look like we got a whole lot of  
19 stuff but you just never know. And that's just a  
20 comment for everybody's edification.

21 COMMISSIONER HADLEY: Mr. Chair.

22 CHAIR LITTLEFIELD: Mr. Hadley.

1                   COMMISSIONER HADLEY: If I may to just  
2 put something on the table. I move that we  
3 approve closure of the public record on the 2040  
4 plan in its entirety both parts in Volume I and  
5 Volume II on October 7th, 2020.

6                   CHAIR LITTLEFIELD: Is there a --  
7 actually could I offer a friendly amendment as  
8 close of business October 7, 2020?

9                   COMMISSIONER HADLEY: Of course, agreed.

10                  CHAIR LITTLEFIELD: Is there a second to  
11 that?

12                  COMMISSIONER PITMAN: I'll second that.

13                  CHAIR LITTLEFIELD: Thank you. Sorry,  
14 who seconded that? I don't see a name on the  
15 screen.

16                  COMMISSIONER PITMAN: Pitman.

17                  CHAIR LITTLEFIELD: Oh, Commissioner  
18 Pitman, thank you. There we go. All right.

19                  COMMISSIONER HADLEY: For discussion I  
20 would just offer that the idea of sending notice  
21 out as early as possible. After tonight's  
22 meeting, after this is passed would be good. And



1     that notice could make it clear that the feedback  
2     that will be entertained both at the next hearing  
3     and up to the cutoff date would be on any part of  
4     the plan or has the two parts coordinate.

5                 CHAIR LITTLEFIELD:  Yeah, the only thing  
6     that I might add for discussion is that there was  
7     some talk of October, November, December in our  
8     agenda.  I don't think that has anything to do  
9     with when we would want to close or this motion to  
10    close on the 7th.  But I will say I don't know if  
11    we'll get an update later on this evening on that  
12    or if I would have to as chair work on that to  
13    flush out to know what the rest of our year looks  
14    like, our calendar year.  So, we are assuming they  
15    will all be work sessions, they may or may not be.  
16    It's something that we will have to address, maybe  
17    even if not tonight at the next meeting just to  
18    get a better feel of that.

19                Other than that, any other discussion or  
20    should we proceed to a vote?  No?  Okay, let's  
21    vote Commissioner by Commissioner.  I see  
22    Commissioner Pitman first.

1 COMMISSIONER PITMAN: Yes.

2 CHAIR LITTLEFIELD: You vote yes? Okay.

3 Commissioner Hadley.

4 COMMISSIONER HADLEY: Yes.

5 CHAIR LITTLEFIELD: Commissioner Wood.

6 COMMISSIONER WOOD: No, I think it  
7 should be extended.

8 CHAIR LITTLEFIELD: Okay. Commissioner  
9 Goodman.

10 COMMISSIONER GOODMAN: Yes.

11 CHAIR LITTLEFIELD: Yes. Am I missing  
12 anyone? Commissioner Tyner, how do you vote?

13 COMMISSIONER TYNER: I think we need to  
14 set the date, so this is for part I and part II to  
15 be closed?

16 MR. DUMAIS: Correct.

17 CHAIR LITTLEFIELD: That's the motion,  
18 yes.

19 COMMISSIONER TYNER: Okay, I vote no.

20 CHAIR LITTLEFIELD: You also vote no?

21 COMMISSIONER TYNER: They should be --,  
22 I don't want them, we are concentrating on part

1 II. We need to finish part II and then we can  
2 move on with part I if we wish to make any  
3 adjustments on and beyond that. It might be a  
4 moot point, but you never know.

5 CHAIR LITTLEFIELD: So, you're casting a  
6 no vote on this, we would have to rephrase the  
7 motion to your point. But I'm going to also vote  
8 no. And so, the motion isn't going to pass, it's  
9 going to tie 3-3.

10 And let's consider what Commissioner  
11 Tyner just said about the two parts. I want to  
12 hear what your point is there.

13 COMMISSIONER TYNER: I don't have a bit  
14 of problem with doing a motion if it's only part  
15 II this time.

16 CHAIR LITTLEFIELD: Okay. Well, is  
17 there any discussion on that, Commissioners?

18 COMMISSIONER HADLEY: I would just offer  
19 a point; I'm not violently opposed to leaving it  
20 open other than part II. My point is, it really  
21 is dragging. I want you to prepare the public  
22 notice this fair and says it will be proposing at

1 both points and at the next hearing or written  
2 comments to get objection and, as Commissioner  
3 Tyner said, we can extend it. My concern is that  
4 no one pays attention and then we go for another  
5 month or two and how much shorter it would make  
6 subsidy process by simply delaying. I think this  
7 would be a way of encouraging people, if you want  
8 more time to ask for it.

9 MR. DUMAIS: And this is just for  
10 clarification purposes. So, it sounds as if, when  
11 the Planning Commission initially considered  
12 volume I, they had a comment period that  
13 ultimately was closed. The comment period for the  
14 plan obviously focused on volume II but able to  
15 accept comments on both volumes of the plan was  
16 then reopened and we are considering closing that  
17 only for volume II but leaving it open for volume  
18 I. I just want to be sure that is what the  
19 commission is talking about if not I have some  
20 concern that there is a little bit of lack of  
21 clarity there. Maybe I am missing something.

22 CHAIR LITTLEFIELD: It adds with our

1 earlier fall of conversation. I think you have  
2 stated it correctly that the motion to close the  
3 whole thing, parts I and II did not pass. We  
4 could have -- if a Commissioner wants to make  
5 another motion, it sounds like there's greater  
6 support on closing the record on Volume II. We  
7 can have such a motion and it could be voted on  
8 and it could pass. And I would say the  
9 interpretation of that is this evening they are  
10 saying any comments on Volume II of master plan  
11 must be submitted by COB on October 7th. There  
12 would probably have to be another vote.

13 MR. DUMAIS: I want to obviously defer  
14 to the will of the Commission. From a practical  
15 perspective, I think that might be very difficult  
16 for staff to administer. If, for example, it  
17 would require that staff were to review each one  
18 that came in after the closure of volume II,  
19 determine whether or not it related to volume II  
20 or Volume I and then reject it if staff determines  
21 that it related to Volume II. And I do not think  
22 that is practical. And I think the result of that

1 is that I would certainly recommend that staff  
2 simply accept all comments that came in regardless  
3 of the commission's vote to close the testimony on  
4 Volume II. Because the concern will be, of  
5 course, that staff will reject testimony and the  
6 person who submitted the testimony obviously would  
7 object to that.

8 I would recommend very strongly that the  
9 commission, whatever the commission decides,  
10 closes testimony uniformly and if it chooses then,  
11 after a work session or two to reopen the public  
12 comment period for Volume I, that would take a  
13 separate motion and do that. And I hope that  
14 makes sense and the last I'll say on it.  
15 Obviously, the commission can vote however it  
16 would like to but I'm very concerned about the  
17 workability of that.

18 CHAIR LITTLEFIELD: Yes, that take on  
19 Commissioners, any responses?

20 MR. LEVY: If I might please, Mr.  
21 Chairman.

22 CHAIR LITTLEFIELD: Yes, please, Mr.

1 Levy.

2 MR. LEVY: This public hearing and this  
3 public testimony period was advertised primarily  
4 as for the planning areas. But we recognize along  
5 the lines of what Mr. Dumais is saying, that  
6 people might submit testimony that feels more like  
7 part I than part II. The advertisement was just  
8 to communicate, and if you have comments on the  
9 plan, go ahead and make them whether or not it's  
10 the planning areas. But it was primarily on the  
11 planning areas because that's what the Planning  
12 Commission was releasing at that time. So, there  
13 was no particular intention and there certainly  
14 was no advertisement with an affirmative statement  
15 we are requesting testimony on the elements  
16 portion of the plan. Though I guess my point of  
17 view that it would be a little bit odd to close II  
18 and leave I open based on what we advertised to  
19 the public.

20 COMMISSIONER HADLEY: Mr. Chair.

21 CHAIR LITTLEFIELD: Yes, Mr. Hadley.

22 COMMISSIONER HADLEY: Look all... well

1 maybe the better part of discretion or something.  
2 I'm cynical, let's kick this can down the road  
3 until the next meeting and the next public  
4 hearing. At that point, after we have that public  
5 hearing we can decide as to whether we make the  
6 uniform motion as to closure or requites of the  
7 whole thing. We may be just premature to try to  
8 consider it now.

9 CHAIR LITTLEFIELD: That's an option.  
10 Commissioner Tyner, go ahead.

11 COMMISSIONER TYNER: I want to thank our  
12 attorney, Mr. Dumais, for his proposition. And  
13 Dave as usual. Mr. Levy came forward with his  
14 comment and I am better than both of them, I would  
15 suggest that I'd be willing to change my vote on  
16 the original proposal. Mr. Hadley.

17 COMMISSIONER HADLEY: What can I tell  
18 you?

19 CHAIR LITTLEFIELD: I think that we  
20 would need -- I would like to ask Mr. Dumais if we  
21 are in order with voting on a motion that did not  
22 pass.



1           MR. DUMAIS: I think you may just want  
2 to make a new motion. Because the initial motion  
3 failed so we would just after discussion you make  
4 a new motion. That's if Mr. Wasilak agrees.

5           CHAIR LITTLEFIELD: If we are in order,  
6 then I would entertain a new motion for our  
7 further discussion.

8           COMMISSIONER WOOD: Before we do that,  
9 can I say something?

10          CHAIR LITTLEFIELD: Sure, go ahead.

11          COMMISSIONER WOOD: I'm getting an awful  
12 lot of feedback. Someone's got an open mike, it's  
13 giving a lot of feedback, I can hardly hear what's  
14 going on.

15          MS. GILLES: Can I just say one.

16          CHAIR LITTLEFIELD: Yes.

17          MS. GILLES: From a practical  
18 standpoint, about closing of the -- I will say  
19 I've had to in the past couple days and the most  
20 recent one speaking with these Rockville  
21 neighborhood Association last night. It would be  
22 really helpful, as a staff person, to give

1 residents a date because I've been asked. And I  
2 generally give -- you know, and I generally say,  
3 and this is actually more than we generally give.  
4 It's usually one week after the close of the  
5 public hearing. This is two weeks after. I will  
6 just say that people have been asking for a date  
7 to feel some assurances.

8               So, it really would be helpful to give  
9 closure to it and to be able to provide that date.  
10 Just a practical on the ground update.

11               CHAIR LITTLEFIELD: Thank you, Ms.  
12 Gilles. And also, I just want to make sure from  
13 the staff comments that I heard that no one feels  
14 there is confusion amongst the public about that  
15 such a closure that we are talking about Planning  
16 Area 2 but they know that it follows planning area  
17 one which was already dealt with and this would  
18 close the whole thing. Any second thoughts on  
19 that?

20               MS. GILLES: That is very much  
21 emphasizing that this is about the neighborhood  
22 specific areas and we talked about the city

1 elements previously and we are good with that and  
2 now we are moving into the second part.

3 CHAIR LITTLEFIELD: Sounds good, fair  
4 enough. And we didn't really get a lot of  
5 Planning Area 1 type stuff this evening, so it  
6 seems like it's working. Okay. Commissioner  
7 Hadley.

8 COMMISSIONER HADLEY: I'm here. I will  
9 make an all new motion, that we close the public  
10 record on the entire Rockville 2040 comprehensive  
11 plan and this is on October 7th, including both  
12 Volumes I and II.

13 COMMISSIONER TYNER: Second.

14 CHAIR LITTLEFIELD: It's been moved and  
15 seconded. Let's vote Commissioner by  
16 Commissioner. Commissioner Tyner, how do you  
17 vote?

18 COMMISSIONER TYNER: Yes.

19 CHAIR LITTLEFIELD: Commissioner Hadley,  
20 how do you vote?

21 COMMISSIONER HADLEY: Yes.

22 CHAIR LITTLEFIELD: Commissioner

1 Goodman, how do you vote?

2 COMMISSIONER GOODMAN: Yes.

3 CHAIR LITTLEFIELD: Commissioner Wood,  
4 how do you vote?

5 COMMISSIONER WOOD: Yes.

6 CHAIR LITTLEFIELD: Commissioner Pitman,  
7 how do you vote?

8 COMMISSIONER PITMAN: Yes.

9 CHAIR LITTLEFIELD: Okay, and the chair  
10 will also vote yes. So that motion carries 6-0  
11 with no abstentions. There you have it, October  
12 7th, COB. I think with that, we are done.

13 (Whereupon, the PROCEEDINGS were  
14 adjourned.)

15 \* \* \* \* \*

16

17

18

19

20

21

22

## 1 CERTIFICATE OF NOTARY PUBLIC

2 I, Carleton J. Anderson, III do hereby  
3 certify that the forgoing electronic file when  
4 originally transmitted was reduced to text at my  
5 direction; that said transcript is a true record  
6 of the proceedings therein referenced; that I am  
7 neither counsel for, related to, nor employed by  
8 any of the parties to the action in which these  
9 proceedings were taken; and, furthermore, that I  
10 am neither a relative or employee of any attorney  
11 or counsel employed by the parties hereto, nor  
12 financially or otherwise interested in the outcome  
13 of this action.

14  
15 Carleton J. Anderson, III

16  
17 (Signature and Seal on File)

18  
19 Notary Public in and for the Commonwealth of  
20 Virginia

21 Commission No. 351998

22 Expires: November 30, 2020